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UNITED BEHAVIORAL HEALTH

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

14 MARY JONES, through her agent, on her
15 own behalf and on behalf of all others
similarly situated,

16 Plaintiff,

17 || v.

18 | UNITED BEHAVIORAL HEALTH,

19 || Defendant.

Case No. 3:19-cv-6999 RS

**DECLARATION OF NGOC HAN S.
NGUYEN IN SUPPORT OF DEFENDANT
UNITED BEHAVIORAL HEALTH'S
OPPOSITION TO PLAINTIFF'S MOTION
TO MODIFY CLASS CERTIFICATION
ORDER**

Hon. Richard Seeborg

Hearing Date: April 11, 2024

Time: 1:30 p.m.

Judge: Richard Seeborg

1 I, Ngoc Han S. Nguyen, hereby declare as follows:

2 1. I am a Legal Services Consultant for Optum, Inc. I have personal knowledge of
3 the facts stated herein, and if called as a witness, could and would testify competently thereto.

4 2. As a Legal Services Consultant, my role includes providing support for United
5 Behavioral Health (“UBH”) regarding legal matters that involve UBH. In that role, I have become
6 familiar with the record-keeping of UBH and certain of its affiliated companies, including how
7 UBH creates and maintains databases of plan documents, certificates of coverage, policy
8 agreements, adverse benefit determination letters, and appeal determination letters.

9 3. I understand that the individuals whose adverse benefit determinations are the
10 subject of this litigation have been assigned Unique Member ID numbers for the purpose of this
11 litigation in order to preserve member confidentiality.

12 4. I am aware of the true names and identities of each of the Unique Members
13 described herein, and refer to those individuals by their assigned Unique Member ID for the
14 purpose of this declaration in order to preserve member confidentiality.

15 5. Attached hereto as **Exhibit 1** is a true and correct copy of Optum’s Coverage
16 Determination Guideline (“CDG”) for Anxiety Disorders, effective February 2017.

17 6. Attached hereto as **Exhibit 2** is a true and correct copy of Optum’s CDG for
18 Disruptive, Impulse-Control & Conduct Disorders, effective February 2017.

19 7. Attached hereto as **Exhibit 3** is a true and correct copy of Optum’s CDG for
20 Feeding and Eating Disorders, effective January 2017.

21 8. Attached hereto as **Exhibit 4** is a true and correct redacted copy of the coverage
22 determination letter issued to Class Member 13734 on February 6, 2018.

23 9. Attached hereto as **Exhibit 5** is a true and correct redacted copy of the coverage
24 determination letter issued to Class Member 12545 on November 21, 2017.

25 10. Attached hereto as **Exhibit 6** is a true and correct redacted copy of the coverage
26 determination letter issued to Class Member 10209 on June 22, 2017.

27 11. Attached hereto as **Exhibit 7** is a true and correct redacted copy of a portion of
28 Class Member 11773’s administrative record.

1 I declare under penalty of perjury that the foregoing is true and correct.
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4 Executed on this 9th day of February, 2024, at Eden Prairie, MN.
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Ngoc Han S. Nguyen
